

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 94-81259

FREDERICK IRVIN,

Defendant.

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**ORDER SETTING EXPEDITED BRIEFING SCHEDULE**

Following remand by the Sixth Circuit Court of Appeals, the parties have submitted a "Stipulation of Amended Judgment," recommending the court release Defendant's sentence to time-served and order Defendant's immediate release. Having reviewed the Sixth Circuit's opinion, however, the court finds the parties' stipulation to be insufficient. The Sixth Circuit found that Defendant was *eligible* for a sentencing reduction, but further stated that the court must next determine "through application of the § 3553(a) factors whether a sentencing reduction is warranted." *United States v. Irvin*, No. 13-1496 (6th Cir. May 30, 2014) (slip op. at 5). The stipulation before the court does not allow to the court to engage in the proper analysis. Accordingly, the court will order briefing on this issue. Because Defendant is immediately eligible for release, the court will set the briefing on an expedited schedule. IT IS ORDERED that both parties shall submit position statements on the proper application of the § 3553(a) factors on or before **June 16, 2014**. If the parties' views align, such position

statement may be submitted as a stipulation. If not, their statements shall be filed separately.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 9, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 9, 2014, by electronic and/or ordinary mail.

s/M. Beauchemin  
Deputy Clerk  
(313) 234-5522